

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)**

GEORGE & COMPANY, LLC

Plaintiff

v.

IMAGINATION ENTERTAINMENT
LIMITED, et al.,

Defendants.

Civil No. 1:07 cv 498 (LMB/TRJ)

**DEFENDANTS' MOTION TO EXCLUDE REPORT AND
PROHIBIT TESTIMONY OF PLAINTIFF'S MARKETING EXPERTS**

COME NOW Defendants Imagination Entertainment Limited, Imagination Holdings Pty Ltd. and Imagination DVD, Inc. (collectively, "Imagination") and, pursuant to FRCP 37(C)(1), move this Honorable Court for an order to excluding the report and testimony of Jonathan D. Hibbard, Ph.D., and Scott D. Swain, Ph.D.,(collectively referred to as "Plaintiff's Marketing Experts") for failure to make the disclosure required by FRCP 26(a)(2)(B) as is more fully set forth in Defendants' Memorandum in support hereof and filed here with.

WHEREFORE, Defendants Imagination Entertainment Limited, Imagination Holdings Pty Ltd. and Imagination DVD, Inc. request that this Court exclude the Report and bar the testimony of plaintiff's experts, Jonathan D. Hibbard and Scott D. Swain, and award Defendant s Imagination Entertainment Limited, Imagination Holdings Pty Ltd. and Imagination DVD, Inc. their costs, attorneys' fees, and other expenses, and such other relief as this Court deems appropriate.

Respectfully submitted,

/s/ William F. Krebs

William F. Krebs, Esquire
Virginia Bar No. 17347
James R. Schroll, Esquire
Virginia Bar No.19646
Christopher A. Glaser, Esquire
Virginia Bar No. 43491
Attorney for Defendants Imagination
Entertainment Ltd., and Imagination
Holdings Pty Ltd.
BEAN, KINNEY & KORMAN, P.C.
2300 Wilson Blvd., Seventh Floor
Arlington, VA 22201
Phone: 703-525-4000
Fax: 703-525-2207

CERTIFICATION

I hereby certify that I have in good faith conferred in person with plaintiff's counsel in an effort to secure the disclosure without court action and was unable to reach an agreement. Plaintiff' is counsel has indicated plaintiff's intention to oppose this motion.

/s/ William F. Krebs

William F. Krebs, Esquire
Virginia Bar No. 17347
Attorney for Defendants Imagination
Entertainment Ltd., and Imagination
Holdings Pty Ltd.
BEAN, KINNEY & KORMAN, P.C.
2300 Wilson Blvd., Seventh Floor
Arlington, VA 22201
Phone: 703-525-4000
wkrebs@beankinney.com

CERTIFICATE OF SERVICE

I hereby certify that on the 31st Day of August, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM./ECF System, which will then send a notification of such filing to the following:

Monica Riva Talley, Esquire
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.
901 New York Ave, N.W.
Washington, DC 20001-4413
Counsel for Plaintiff

And I certify that I mailed the foregoing by email and US mail to the following non-filing users:

Douglas A. Rettew, Esquire
Mark Sommers, Esquire
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.
901 New York Ave, N.W.
Washington, DC 20001-4413
Co-Counsel for Plaintiff

And by US mail to the following non-filing user:

Jennifer L Whitelaw, Esquire
WHITE LAW LEGAL GROUP
3838 Tamiami Trial North, Third Floor
Naples, FL 34103
Co-Counsel for Plaintiff

/s/ William F. Krebs
William F. Krebs, Esquire
Virginia Bar No. 17347
Attorney for Defendants Imagination
Entertainment Ltd., and Imagination
Holdings Pty Ltd.
BEAN, KINNEY & KORMAN, P.C.
2300 Wilson Blvd., Seventh Floor
Arlington, VA 22201
Phone: 703-525-4000
Fax: 703-525-2207
wkrebs@beankinney.com